IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 11656 of 2005

Between:

Vinukonda Jayamma, W/o.Prakasharao,
Chillakacheria village, Dornala Mandal,
Prakasam Dist.

..... PETITIONER

AND

1 The S.H.O., Markapur, Prakasam Dist.
2 The Superintendent of police, Prakasam Dist. at Ongole.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of Habeas Corpus directing the Respondents herein to produce the detenue viz Vinukonda Prakasarao Husband of V.Jayamma the petitioner herein, before this Hon'ble court, who was illegally detained by S.I. of police, Markapur police Station, on 9-5-2005 and set him at liberty forthwith, and to pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:PETITION

Counsel for the Respondent Nos.1 & 2: Addl. Advocate General

The Court made the following :

..

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This is a taken up case on the representation given by the petitioner seeking a direction to the respondents to produce the detenu, Viz., Vinukonda Prakasarao, who was illegally detained by S.I. of Police, Markapur Police station on 9.5.2005 and to set him at liberty.

The respondents have filed the counter denying the allegations in the Telegram. It is specifically mentioned at paragraph 5 of the additional counter that apprehending arrest by the police after the attack on Superintendent of Police, Prakasam District by the Maoists, the alleged detenu also left the village and went underground and subsequently, he was arrested by the Police on 16.5.2005 and released on the same day.

It is submitted across the Bar by the learned Additional Advocate General that the alleged detenue was arrested on 16.5.2005 and released on the same day and therefore, there is no illegal detention of the alleged detenue.

In view of the submission made by the learned Additional Advocate General and in view of the averments made in the additional counter to the effect that the alleged detenue was arrested on 16.2.2005 and released on the same day, We are of the view that no further orders are necessary and accordingly, the same is liable to be dismissed.

In the result, this writ petition is dismissed. No costs.

(T.MEENAKUMARI, J)

21st JULY, 2005

(P.LAKSHMANA REDDY,J)

GURC/RKK

COPIES TO:

1 The S.H.O., Markapur, Prakasam Dist.
2 The Superintendent of police, Prakasam Dist. at Ongole.

3. TWO C.Cs. to the G.P. for Home, High Court Buildings, Hyderabad.(OUT)

4. Two C.D. copies.

5. The Advocate Geenral, High Court of A.P., High Court buildings, Hyderabad.

6. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

7. The Secretary, A.P.State Legal Aid and Advisory Boad, High Court buildings, Hyderabad.

8. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO : 11656 of 2005

(Order delivered by the Honourable Smt.Justice T.MEENA KUMARI)

21ST JULY, 2005